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VOTERS' MANUAL
1871
BY
HENRY D. LLOYD.

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1882
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A MANUAL

FOR THE

GUIDANCE OF VOTERS

IN THE

GENERAL STATE ELECTION

TO BE

Held in New York City, Nov. 7, 1871.

COMPILED BY HENRY D. LLOYD.
Of the Young Men's Municipal Reform Association.

I.

WHO HAS THE RIGHT TO VOTE?—Every male citizen of the United States who shall have been a citizen for ten days, who shall have been, immediately preceding the election, an inhabitant of the State for one year, of the county for four months, of the district from which the officer is to be chosen for whom he offers his vote, thirty days.

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II.

How to Secure the Right.—The law requires each voter before election day to register his name and address in the presence of the inspectors of elec tion.

When and Where to Register.—The inspectors of elections meet on the Tuesday three weeks before the election, at 9 o'clock A.M., and on the Wednesday, Friday and Saturday preceding the election, from 9 A.M. till 10 P.M. The inspectors meet for registration in the place designated for the election by proclamation of the Mayor, who is forbidden by law to name a place where intoxicating liquors are sold.

What Legal Voters May Do who Unavoidably Fail to Register.—Any legal voter who may have failed to register will still be allowed to vote, upon giving, under oath, an excuse therefor which shall be satisfactory to a majority of the inspectors.

Who have a Right to be Present at the Registry.—All citizens have a right to be present at the registration of voters, subject to the necessity of allowing access to those who desire to register, and all persons residing and entitled to vote in the district shall be entitled to be heard in relation to corrections or additions to the Register.

How Citizens May Gain Access to the Register.—When the register has been completed, the inspector

must file one certified copy with the County Clerk and another in the Bureau of Elections, and the registers shall at all times be open to public inspection at these offices without charge. The best and most practical way to supervise the register would be the attendance throughout each day of the registration of one or more citizens with an accurate list in their possession of the actual voters in their election district. Any attempt at illegal registration could thus be detected and summarily checked.

III.

WHERE TO VOTE.—Each voter must vote in the election district in which he "actually" resides, and at the place designated by proclamation of the Mayor. Full information about the boundaries of election districts and the places of election will be supplied to the public by the Committee of Seventy and by the Young Men's Municipal Reform Association. The headquarters of both associations are at No. 39 Union Square. The polls are open on the day of election from 6 A.M. to 5 P.M. For any person to interfere improperly with any voter on his way to the polls, or while attempting to vote, is a misdemeanor, punishable by a fine of $500 and one year's imprisonment.

IV.

WHAT OFFICIALS ATTEND THE POLLS.—1. The inspectors of elections; 2. The poll clerks; 3. Policemen.

THE DUTIES OF INSPECTORS.—Inspectors of election are to receive and deposit the ballots of legal voters; to exact a satisfactory excuse, under oath, from any non-registered voter; to challenge and examine, under oath, every person offering to vote "whom they shall know or suspect not to be duly qualified as an elector," or who shall be challenged by any legal voter, and at the closing of the polls to canvass the votes. No one shall act as an inspector in any district in which he is a candidate for any office except inspector. The inspectors have full authority to maintain order around the polls, and to cause the arrest and detention of disorderly persons, who shall not, however, be thereby prevented from voting.

THE DUTIES OF POLL CLERKS.—Poll clerks record the name and address of each voter as he deposits his ballot, and perform other clerical duties, under the direction of the inspectors.

THE DUTIES OF POLICEMEN.—Beside the preservation of order, it is by law made the duty of policemen to protect challengers, and to secure for those deputed by candidates to watch the canvass access thereto.

V.

WHAT CITIZENS HAVE A RIGHT TO ATTEND THE POLLS THROUGHOUT THE ELECTION.—Subject to the necessity of keeping the polls open to voters, all citizens have a right to be present throughout the elec-

tion ; but special provision is made by the law for the presence at the polls, and protection by the police, of one citizen chosen by each political party to act as challenger. For any person to interfere improperly with such a challenger is a misdemeanor. Any citizen may challenge the vote of any person whom he may know or suspect not to be duly qualified as a voter, and the voter thus challenged shall be examined under oath by the inspectors.

Who May be Challengers.—Any legal voter in the city of New York may challenge voters at any election district in the city.

VI.

How the Canvass of the Votes is to be Conducted.—The polls shall be closed at 5 o'clock P.M., in the presence of the citizens, "and the inspectors shall immediately, without any adjournment or recess, and at the place of the poll, publicly proceed to canvass and estimate the votes." The canvass shall commence by a comparison of the poll-lists with each other from the commencement, and a correction of any mistakes that may be found therein. The boxes will be opened, and the votes canvassed in the following order:

1st box, No. 2—General State ticket, consisting of one Justice of the Supreme Court, two Justices of the Superior Court, one Justice of the Court of Common

Pleas, and one Justice of the Marine Court. 2d box, No. 4—Senate. 3d box, No. 5—Assembly. 4th box, No. 9—Inspectors of Election.

The Ballots First to be Counted Unopened.—The ballots in each box shall first be counted, unopened, except so far as to ascertain that each ballot is single. If several ballots are found folded together, they shall all be destroyed, if the number of ballots exceed the number of votes; otherwise not.

In Case the Number of Ballots in any Box Exceed the Number of Voters.—All the ballots shall be replaced in the box, and one of the canvassers, without seeing them, shall publicly draw out and destroy so many ballots as shall be equal to such excess.

The Order of the Canvass.—The ballot-boxes shall be opened and canvassed in the order prescribed by law (see above), and the inspectors shall complete the estimate of the votes in each box, make proclamation of the result, and complete the returns and certificates before proceeding to the canvass of the next box.

Oral Public Proclamation shall be made by the chairman of the inspectors at the completion of the canvass of each box of the whole number of votes in the box, of the whole number given to each person, and of the office for which he was named. This public announcement of results shall be *prima-facie* evidence thereof.

How the Canvass is to be Completed.—The statement of the results of the canvass shall be made and subscribed in public, without adjournment or recess, at the place of election and canvass, and shall be then and there forthwith enclosed in a strong wrapper, and shall be sealed and countersigned across the seal by the inspectors of elections. One copy of these returns is to be filed in the Bureau of Elections, another in the County Clerk's office; the others are to be kept by the inspectors, unopened, until produced before the Board of County Canvassers.

VII.

What Persons Have a Right to be Present Throughout the Canvass.—The canvass must be open and public. Every citizen has a right to be present. But it is specially provided that each candidate for office shall have the right to designate one person in each election district to watch the canvass of the votes. Policemen are enjoined to make a passage for him to the inspectors, who shall allow him to stand near enough to see every vote correctly counted. The inspectors have no power to cause his removal, unless he has himself been guilty of fraudulent or disorderly conduct.

VIII.

How Frauds may be Committed.—1. By false registering. 2. By repeaters, who may appear under the

names of legal voters, duly registered; under false names, duly registered; or as non-registered voters unavoidably prevented from registering. 3. By dishonest inspectors, who may dexterously change the ballots in the act of depositing them in the ballot-box; who may make a false count of the votes, or may alter the statement of the result after it has been announced, closed and sealed. The commission of any such fraud is felony.

IX.

How Citizens May Prevent These Frauds.—To prevent false registering, the citizens of each election district should make a thorough canvass of the voters therein previous to the registry; and at every day of registry one or more of them should attend for the purpose of detecting attempts at false registration. The law requires inspectors to refuse to register or to erase from the register the name of any person found to be not entitled to vote. 2. To punish false registering—see under 4. 3. To prevent repeating, citizens may, and inspectors shall, challenge the vote of any person whom they may suspect or know to not be qualified to vote; and he shall be thereupon interrogated under oath concerning his name, place, and time of residence, and asked all such other questions as may tend to test his qualification to vote. 4. To punish repeating and false registry. Illegal voting, and illegal registry, or any participation therein, are each felony. Every citizen who discovers

any false registry or voting should forthwith proceed to the nearest and best magistrate—one known to be in sympathy with the reform movement—and prefer a complaint therefor against the offender, by the name under which he registered or voted, whether it be true or fictitious. The magistrate will thereupon issue a warrant, upon which the officers of the court will arrest the accused. He will be held to bail, or committed in default of it. Information of the case will then be sent by the magistrate to the District-Attorney, who will bring the case before the Grand Jury. In case of conviction, the penalty is imprisonment in the State Prison, not less than one nor more than three years. It is especially desirable that the above steps be taken during the registration and before the day of election, for knowledge of the fact that warrants have been issued against them will prevent many repeaters from showing themselves at the polls. 5. Dishonest Inspectors—There is no legal summary proceeding to check an inspector guilty of fraudulent connivance with repeaters, of changing ballots, of false counting, or of altering returns. The Mayor has the power of changing the inspectors, however, at any moment, before or during the election. Should representations properly made to him fail to cause the removal of the dishonest inspector, no other legal redress remains than to gather evidence, under affidavits, of his fraud. Such official misconduct is felony, punishable by from one to five years' imprisonment in

the State Prison. The steps necessary to secure conviction are the same prescribed above in the case of repeating.

An Important Preventive Measure.—By virtue of the provision of the law, candidates, in pursuance of their legal rights, may designate as their representatives at the canvass men of such high ability and character as to deter dishonest inspectors from the commission of fraud in the count or public statement.

How to Check Fraudulent Alteration of Returns of the Canvass.—Instances have been known in which dishonest inspectors have reversed the result of an election by secretly changing the official returns after the completion of the canvass. In wards where the foregoing *right* has been exercised, a check may be thus given to this practice: The law declares (Laws 1870, chap. 138, sec. 16), that at the close of the canvass of each box, the inspectors shall make oral public proclamation of the result; *and this due public announcement by the inspectors of any result shall be prima facie evidence thereof.* Willful neglect on the part of the chairman of the board of inspectors to make such oral and public statement is a felony. Let the representatives of the various candidates, then, as explained above, as each result is announced, make entry thereof. At the close of the canvass, let them at once report the result for publication to the Associated Press,

No. 149 Broadway, and also in order that they may be conclusive evidence, take affidavit that such and such was the return duly and publicly announced by the Inspectors of Elections. Such immediate and extensive publicity would render hopeless any systematic alteration of returns.

X.

Penalties for Individual Frauds.—Any person who shall commit, solicit, or procure illegal registry or illegal voting is guilty of felony, punishable by imprisonment in the State Prison not less than one and not more than three years. For any person to interfere improperly with any voter on his way to the poll, or while attempting to vote, is a misdemeanor punishable by a fine of $500 and one year's imprisonment. Any person who offers a bribe to influence an elector in giving his vote, or to deter him from giving it, shall be guilty of a misdemeanor, punishable by fine not to exceed $500, or imprisonment not to exceed one year.

XI.

Penalties for Official Frauds.—Misconduct of any official stationed at the polls is felony; and it is felony for any inspector knowingly to permit any fraudulent registry or voting. These felonies shall be punishable by imprisonment in the State Prison for not less than one nor more than five years. For any official to make a fraudulent count or statement, or a

fraudulent omission thereof, and for any person to incite any official so to do, and for any person to make any fraudulent change of statement of votes, shall be felony, punishable by imprisonment in the State Prison not less than two nor more than five years. It is the especial duty of the District Attorney to prosecute for violations of the Election laws, and, upon conviction, the law forbids any suspension of sentence or judgment.

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